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Counsel for Defendant  
 BENJAMIN CADILLO

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-12-00391 SBA
	)	
Plaintiff,	)	<b>AMENDED</b>
	)	STIPULATED REQUEST TO CONTINUE
v.	)	HEARING DATE TO JULY 20, 2012
	)	AND TO EXCLUDE TIME UNDER THE
	)	SPEEDY TRIAL ACT AND <del>PROPOSED</del>
	)	ORDER
	)	
BENJAMIN CADILLO,	)	
	)	
	)	Hearing Date: July 11, 2012
	)	Time: 9:30 a.m.
Defendant.	)	
	)	
	)	<u>The Honorable Donna M. Ryu</u>

The above-captioned matter is set on July 11, 2012 before the Honorable Donna M. Ryu for a status hearing. The parties jointly request that the Court continue the matter to July 20, 2012, at 9:30 a.m., before the sitting magistrate court, and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, between July 11, 2012 and July 20, 2012 so that the Defense can have additional time to review and assess the discovery in this case and to meet with Mr. Cadillo who is in custody in Richmond, California at the West County Jail.

On May 17, 2012, the grand jury charged Mr. Cadillo with possession with intent to distribute methamphetamine, a violation of 21 U.S.C. § 841(a)(1). On June 6, 2012, Mr. Cadillo was arraigned on the Indictment and he was detained on June 12, 2012 because he currently has a

1 state hold (for the same case). Mr. Cadillo faces a mandatory minimum of ten years and a  
2 maximum sentence of life imprisonment.

3 I have just been retained on this case and I need time to review the discovery.  
4 The defense also needs time to review the discovery with the client who is in state custody  
5 at the West County Jail in Richmond. Additionally, the defense needs time to  
6 investigate the case and to obtain prior conviction records to assess Mr. Cadillo's sentencing  
7 Guidelines range. For these reasons, the defense requests time, and the parties agree  
8 that this is an appropriate reason to continue this case until July 20, 2012.

9 The parties stipulate and agree that the ends of justice served by this continuance  
10 outweigh the best interest of the public and the defendant in a speedy trial. The parties further  
11 agree that the failure to grant this continuance would unreasonably deny counsel for defendant  
12 the reasonable time necessary for effective preparation, taking into account the exercise of due  
13 diligence. Accordingly, the parties agree that the period of time from July 11, 2012 until July  
14 20, 2012, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.  
15 §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into account  
16 the exercise of due diligence.

17 DATED: July 10, 2012

\_\_\_\_\_/S/  
ANDREW HUANG  
Assistant United States Attorney

19 DATED: July 10, 2012

\_\_\_\_\_/S/  
LINDA FULLERTON  
Attorney for Benjamin Cadillo

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS:

1. Given that the defense needs additional time to review the discovery in this case and to meet with defendant who is in state custody;

2. Given that the defense has requested additional time to investigate the case and to obtain prior conviction records to assess the sentencing Guidelines range;

3. Given that a complete review of the discovery is necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of July 11, 2012, scheduled at 9:30 a.m., before the Honorable Donna M. Ryu, is vacated and reset for July 20, 2012, at 9:30 a.m., before the sitting United States Magistrate Court. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), from July 11, 2012 until July 20, 2012.

July 11, 2012



DONNA M. RYU  
United States Magistrate Judge